

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Heather Beatrice RICHARDSON

Docket Number: 2:03CR00316-03

Offender Address: Stockton, California

Judicial Officer: Honorable Lawrence K. Karlton
Senior United States District Judge
Sacramento, California

Original Sentence Date: 03/23/2004

Original Offense: 18 USC 1708 - Possession of Stolen Mail
(CLASS D FELONY)

Original Sentence: 36 months probation; \$100 special assessment

Special Conditions: Warrantless search and seizure; Financial disclosure;
Credit restrictions; Drug/alcohol treatment, testing and
co-payment; Non-association with co-defendants; Not
possess mail, identification or other documents in any
other name

Type of Supervision: Supervised Release

Supervision Commenced: 07/19/2005

Assistant U.S. Attorney: Patrick K. Hanly **Telephone:** (916) 554-2700

Defense Attorney: Candace Fry **Telephone:** (916) 446-9322

Other Court Action:

03/15/2005: Probation revoked. Offender sentenced to 6 months
custody of the Bureau of Prisons, and a 36 month term
of supervised release. The same special conditions

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ordered on March 23, 2004, were ordered, along with a 180 day community corrections center requirement. Probation was revoked for illicit drug use and failure to participate in a drug aftercare program.

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 1) The Court vacates the special condition requiring the releasee to reside in a community corrections center for a period of 180 days.
- 2) The Court orders the releasee to comply with the conditions of home detention for a period of up to 180 days, to commence when directed by the probation officer. During this time, the defendant will remain at her place of residence except for employment and other activities approved in advance by the probation officer. The releasee will maintain telephone service at her place of residence without an answering device, call forwarding, a modem, caller ID, call waiting, or a cordless telephone for the above period. At the discretion of the probation officer, the releasee shall wear an electronic monitoring device and follow electronic monitoring procedures as specified by her probation officer. The defendant shall pay the cost of electronic monitoring as determined by the probation officer.

Justification: Ms. Richardson completed her federal custodial sentence on July 19, 2005, but she was released to two detainers filed in state court. She was ultimately released from state custody the end of August 2005. Since the state detainers were in place, she did not transition directly from prison to the community corrections center, as is usually the case. She reported for supervision upon release from state custody, and she has been very compliant on supervised release.

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The initial supervision plan was for Ms. Richardson to enter a community corrections center a few weeks after she reported for supervision. Before referring her to a program, it became apparent she may not be in need of a placement of this nature and it may actually stand in the way of achieving goals she has set. The probation officer spoke to the releasee's former probation officer and determined two of the main reasons a community corrections center special condition was recommended was due to the instability of Ms. Richardson's employment and living situations at the time of revocation of probation.

Shortly after supervision started, the releasee was able to get a job working at a restaurant in Stockton, California. Unfortunately, she was laid-off a few weeks later, as the restaurant where she worked was not doing well financially and was in danger of closing. Ms. Richardson is currently participating in a Job Seekers Program. She has established a stable living arrangement residing in the home of her mother and stepfather. She has enrolled in Delta College in Stockton, California, and begins attending classes in January 2006. She hopes to eventually become a substance abuse counselor. Of most significance, Ms. Richardson is a serious drug addict who has maintained sobriety from illicit drug use, has done very well and benefitted from participating in substance abuse counseling.

For the reasons noted above, the probation officer respectfully recommends a reasonable alternative to the previously ordered 180-day community corrections center special condition. It is believed an up to 180-day home detention special condition would be an adequate substitute for the community corrections center requirement. This would allow Ms. Richardson to remain in the community and continue to make positive strides in her rehabilitation efforts. Since Ms. Richardson seeks this modification and it can be viewed as favorable to her, a Waiver of Hearing to Modify Conditions of Supervised Release form is not attached.

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Respectfully submitted,

/s/ Richard W. Elkins

RICHARD W. ELKINS
United States Probation Officer
Telephone: (916) 683-3324

DATED: December 12, 2005
Elk Grove, California
RWE:kms

REVIEWED BY: /s/ Deborah A. Spencer
DEBORAH A. SPENCER
Supervising United States Probation Officer

THE COURT ORDERS:

- (☒) Modification approved as recommended.
- () Modification not approved at this time. Probation Officer to contact Court.
- () Other:

December 12, 2005
Date

/s/ Lawrence K. Karlton
Signature of Judicial Officer

cc: United States Probation
Patrick J. Hanly, Assistant United States Attorney
Candace A. Fry, Defense Counsel
Defendant
Court File

Attachment: Presentence Report